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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,937	12/27/2000	Steven D. Curtin	CURTIN 16	3480

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7th Floor
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Washington, DC 20036-3307

EXAMINER

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/747,937

Applicant(s)

CURTIN, STEVEN D.

Examiner

HELEN SHIBRU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Amendment

1. The amendment filed on 09/18/2007 has been entered and made of record. Claims 1-22 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Applicant states "Miyoshi relies on electronic memory 5 which is quiet different from a video tape 4 to store program erasing prevention information 17. Miyoshi fails to disclose the pre-existing electronic information/pre-existing video signal magnetic storage media/video tape.... Miyoshi relies on a memory added to a video cassette.... Applicant's claimed features can be performed without modification to existing magnetic storage media/video tape technology through detection of a pre-existing information from the magnetic storage media/video tape itself...."

In response the Examiner directed Applicant's attention to col. 17 lines 50- col. 18 line 3 where Miyoshi discloses the information on memory 5 always exists on the video tape 4. Miyoshi further discloses the VCR includes a scan mechanism having a rotating drum and a fixed drum fro scanning a tape.

The claimed invention does in fact read on the cited references for at least the reasons discussed above and as stated in the detail Office Action as follows.

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-9, 11-16, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyoshi (US Pat. No. 5,493,455) in view of Official Notice.

Regarding claim 1, Miyoshi discloses an electronic write protect apparatus for storage media comprising:

at least one record/play element for reading and writing information to/from a given storage media (see figs. 9 and 10 and col. 7 lines 20-24);

a pre-existing electronic information signal detection element to read a pre-existing electronic information signal stored on said given storage media (see fig. 10 and col. 7 lines 33-58),

a record circuit, adapted to record on said given storage media, to activate and deactivate said at least one record/play element based on a mere existence of a pre-recorded signal already recorded on said given storage media, as detected by said pre-existing information signal detection element (see figs. 10, 16, col. 7 line 51-col. 8 line 21, col. 8 lines 31-50 and col. 9 lines 31-54).

Claim 1 differs from Miyoshi in that the claim further requires a magnetic storage media. Although Miyoshi does not specifically disclose tape 4 is magnetic tape, Miyoshi discloses a video tape 4 is contained in a cassette including a tape guide mechanism. Official Notice is taken

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that it is well known in the art to store information in a magnetic tape. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyoshi by utilizing a magnetic tape in order to allow massive amounts of data to be stored in computers for long periods of time.

Regarding claim 3, Miyoshi discloses at least one record/play element is attached to a spinning element (see figs 5A-B, 9, 10, and 15, col. 7 lines 1-10, rotating drum).

Regarding claim 4, Miyoshi discloses at least one record/play element is stationary (see figs 9-10 and col. 7 lines 1-4, fixed drum).

Regarding claim 5, Miyoshi discloses pre-existing electronic information signal detection element is attached to said spinning element (see figs 9-10).

Regarding claim 6, Miyoshi discloses storage media is a video tape (see abstract, and figs 5A-B and claim 1 rejection above).

Regarding claim 7, Miyoshi discloses storage media stores digital information (see col. 6 lines 28-40 and claim 1 rejection above).

Regarding claim 8, Miyoshi discloses pre-existing electronic information signal detection element is a record/play element (see col. 7 lines 1-19 and col. 10 lines 30-52).

The method and means claims 9 and 16 are rejected for the same reasons as discussed in the corresponding apparatus claim 1 above.

The method and means claims 11 and 18 are rejected for the same reasons as discussed in the corresponding apparatus claim 3 above.

The method and means claims 12 and 19 are rejected for the same reasons as discussed in the corresponding apparatus claim 4 above.

The method and means claims 13 and 20 are rejected for the same reasons as discussed in the corresponding apparatus claim 5 above.

The method aid means claims 14 and 21 are rejected for the same reasons as discussed in the corresponding apparatus claim 7 above.

The method and means claims 15 and 22 are rejected for the same reasons as discussed in the corresponding apparatus claim 8 above.

5. Claims 2, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyoshi (US Pat. No. 5,493,455) in view of Official Notice and further in view of Takayama (US Pat. No. 6,134,066).

Regarding claims 2, 10, and 17, claims 2, 10, and 17 differ from Miyoshi in that the claims further requires a plurality of record/play elements. Although Miyoshi specifically fails to disclose a plurality of heads, Miyoshi discloses in the rotating head the playback head and the recording head are mounted.

In the same field of endeavor Takayama discloses a rotary drum has mounted thereon two recording heads and reproducing heads (see col. 4 lines 25-42 and fig. 3). Therefore in light of the teaching in Takayama it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount a multiple record/play elements in order to improve the signal.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
November 26, 2007



THAI Q. TRAN
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